

Docket No.: 237228US0

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF: :

Juergen SCHUBERT, et al. : GROUP ART UNIT: 1755

SERIAL NO.: 10/656,164 :

FILED: SEPTEMBER 8, 2003 : EXAMINER: PARVINI, PEGAH

FOR: EFFICIENT MATTING AGENTS BASED
ON PRECIPITATED SILICAS

DECLARATION UNDER 37 C.F.R. 1.132

ASSISTANT COMMISSIONER FOR PATENTS
WASHINGTON, D.C. 20231

SIR:

I, Mustafa SIRAY, hereby declare:

1. I am a named inventor on Canadian patent application 2,255,456 ("Siray").
2. I am familiar with Siray. I am also familiar with the Rule 132 declaration submitted by Juergen SCHUBERT on August 20, 2007 ("the Schubert declaration"), in connection with the above-referenced patent application. In particular, I am familiar with Schubert's statements in the declaration concerning the disclosure in Siray.
3. Siray discloses silica having a tamped density of at least 70 g/l. With particular reference to Siray's wax-coated silica, Siray's abstract, Siray's claim 3 and the entire remainder of Siray's disclosure require the compacted density of wax-coated silica to be at least 70 g/l (70-140 g/l). This is consistent with my understanding that the silica disclosed in Siray, including wax-coated silica, has a tamped density of at least 70 g/l.

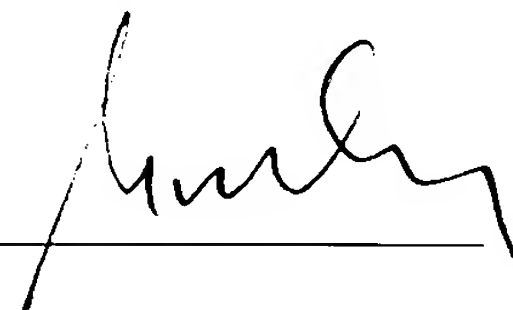
4. The disclosure at page 4, line 17 is a typographical error. This line should have stated that the tamped density was 70-140 g/l in accordance with the remainder of Siray's disclosure. I never considered silica having a tamped density of 7-140 g/l to be part of the invention in Siray. I recently was made aware of this typographical error in Siray.

5. I agree with the analysis of Siray's exemplified compositions which is set forth in the Schubert declaration. In his declaration, Schubert demonstrated that none of Siray's examples disclose precipitated silica having a tamped density of 20 to less than 70 g/l or a DBP number of 350-400 g/100 g, let alone precipitated silica having both of these characteristics. Also in the Schubert declaration, it was demonstrated that following the preparation methods exemplified in Siray would lead to silica having tamped density of 72-85 g/l. and a DBP number of 320-333 g/100g. Schubert's findings and analysis are consistent with my understanding of the inventive silica disclosed in Siray.

6. The undersigned petitioner declares further that all statements made herein of her own knowledge are true and that all statements made on information and belief are believe to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of this application or any patent issuing thereon.

7. Further deponent sayeth not.

DR MUSTAFA SIRAY
Name


Signature

01 / 16 / 2008
Date